

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VESTER MILLS,

Plaintiff,

No. 07-CV-13285-DT

vs.

Hon. Gerald E. Rosen

BLAINE LAFLER, et al.,

Defendants.

ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, (2) GRANTING, IN PART, AND DENYING, IN PART,
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND (3) DENYING
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on September 25, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter having come before the Court on the July 31, 2008 Report and Recommendation of United States Magistrate Judge Steven D. Pepe recommending that the Court (1) grant, in part, and deny, in part, the Motion to Dismiss or for Summary Judgment filed by Defendants Blaine Lafler, Passion Fields, Linda Adams, Joelle Slavin, D.S. Nash, and Nathan Lindsey, and (2) deny Plaintiff's motion for partial summary judgment; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, and the Court's entire file of this action,

and having concluded that, for the reasons stated in the Report and Recommendation, Plaintiff's motion should be denied, and Defendants' motion should granted, in part, and denied in part, as recommended by the Magistrate Judge; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of July 31, 2008 [**Dkt. # 33**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Report and Recommendation, Defendants' Motion to Dismiss or for Summary Judgment [**Dkt. # 14**] is GRANTED, in part, and DENIED, in part. Defendants' Motion is GRANTED as to Plaintiff's claims against Defendants Lafler, Adams, Slavin and Nash, and Plaintiff's Eighth Amendment claims against these Defendants, accordingly are DISMISSED, with prejudice. (Plaintiffs' state law claims against these Defendants are dismissed, without prejudice.) Defendants' Motion is DENIED as to Plaintiff's Eighth Amendment and state law claims of reckless or deliberate indifference against Defendant Fields.

IT IS FURTHER ORDERED that Plaintiff's Motion for Partial Summary Judgment [**Dkt. # 24**] is DENIED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: September 25, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 25, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry

Case Manager